

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

(1) **TANDRA PRICE,** )  
Plaintiff, )  
v. )  
(1) **MUSCULAR DYSTROPHY** )  
**ASSOCIATION, INC.,** )  
Defendant. )

Case No. CIV-17-716-R

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Muscular Dystrophy Association, Inc., (“MDA” or “Defendant”), hereby removes this action from the District Court of Oklahoma County, Oklahoma where it was filed as Case No. CJ-2017-3181, styled *Tandra Price v. Muscular Dystrophy Association, Inc.*, (the “State Court Lawsuit”), to the United States District Court for the Western District of Oklahoma. Removal is proper for the following reasons:

1. MDA is the defendant in a civil action brought against it in the District Court of Oklahoma County, State of Oklahoma, and titled *Tandra Price v. Muscular Dystrophy Association, Inc.*, Case No. CJ-2017-3181.
2. As alleged in paragraph 1 of Plaintiff’s Petition, at the time of filing this action Plaintiff was an adult resident of Oklahoma County, Oklahoma.
3. At the time of the filing this action and at the present time, Defendant was and is a Foreign not-for-profit Corporation duly organized and existing under the laws of the State of New York, with its principal place of business in Illinois.

4. In Plaintiff's Petition, she has asserted federal claims for race discrimination and retaliation under the Title VII of the Civil Rights Act of 1964, as amended by 42 U.S.C. § 2000(e) *et seq.* ("Title VII") and 42 U.S.C. § 1981. Plaintiff further states her claims to include age discrimination in violation of Age Discrimination in Employment Act (ADEA) and Oklahoma's Anti-Discrimination Act (OADA).

5. This civil action is removable to the District Court of the United States because plaintiff's claims arise under the Constitution, laws or treaties of the United States, specifically, the Civil Rights Act, pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441(a). This civil action is also removable to the District Court of the United States because the parties have diversity of citizenship under 28 U.S.C. § 1332 and the plaintiff has alleged damages in excess of \$75,000.00.

6. The aforementioned action was commenced by service of summons upon Defendant on June 14, 2017. This Notice of Removal is, therefore, timely filed under the provisions of 28 U.S.C. § 1446.

A copy of all process, pleadings, and other documents filed in the State Court Lawsuit are attached hereto as follows:

**Exhibit 1 - Petition, filed June 2, 2017**

**Exhibit 2 - Entry of Appearance - Leah Roper for Plaintiff**

**Exhibit 3 - Entry of Appearance - Mark Hammons for Plaintiff**

**Exhibit 4 - Entry of Appearance - Amber L. Hurst for Plaintiff**

**Exhibit 5 - Summons Returned, filed June 27, 2017**

**Exhibit 6 - Docket sheet from the District Court of Oklahoma County, State of Oklahoma**

Defendant will promptly provide Plaintiff written notice of the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d). Defendant will also file a copy of the Notice of Removal with the District Clerk of Oklahoma County, State of Oklahoma.

Respectfully submitted,

s/Melissa R. McDuffey

Adam W. Childers, OBA #18673  
Melissa R. McDuffey, OBA #32463

-- Of the Firm --

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ATTORNEYS FOR DEFENDANT  
MUSCULAR DYSTROPHY  
ASSOCIATION, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of July, 2017, the above and foregoing was filed in the Western District Court of Oklahoma, that a true and correct copy of said Notice of Removal was served upon the above-named plaintiff, by mailing said copies to plaintiff's attorney of record, and further that a copy of said Notice of Removal was filed with the Court Clerk of Oklahoma County, Oklahoma.

Mark Hammons  
Amber L. Hurst  
Leah Roper  
Hammons, Gowens & Hurst  
325 Dean A. McGee Avenue  
Oklahoma City, OK 73102

*s/ Melissa R. McDuffey*  
Melissa R. McDuffey